

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEFFREY LAMONT TAYLOR,

NO. C02-5775 JW

Plaintiff(s),

**ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)**

v.

WILLARD et al.,

Defendant(s).

JEFFREY LAMONT TAYLOR,

NO. C03-1643 JW

Plaintiff(s),

**ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)**

v.

CORRECTIONAL OFFICER GODINEZ
et al.,

Defendant(s).

JEFFREY LAMONT TAYLOR,

NO. C03-5153 JW

Plaintiff(s),

**ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)**

v.

CORRECTIONAL OFFICER WOOLF et
al.,

Defendant(s).

Order to Show Cause

P:\PRO-SE\SJ.Jw\Cr.02\taylor5775osc1915g.wpd

United States District Court

For the Northern District of California

1 JEFFREY LAMONT TAYLOR,

2 NO. C04-924 JW

3 Plaintiff(s),
4 v.
5 J. STOCKER et al.,
6 Defendant(s).

7 JEFFREY LAMONT TAYLOR,

8 Plaintiff(s),
9 v.
10 D.M. MANTEL et al.,
11 Defendant(s).

12 JEFFREY LAMONT TAYLOR,

13 Plaintiff(s),
14 v.
15 LT. G.D. JORDAN et al.,
16 Defendant(s).

17 JEFFREY LAMONT TAYLOR,

18 Plaintiff(s),
19 v.
20 CORRECTIONAL OFFICER RENYSO et
21 al.,
22 Defendant(s).

23 JEFFREY LAMONT TAYLOR,

24 Plaintiff(s),
25 v.
26 DOCTOR SCARMOZZINO et al.,
27 Defendant(s).

28 Order to Show Cause
P:\PRO-SE\SJ.Jw\Cr.02\taylor5775osc1915g.wpd2

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

NO. C05-400 JW

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

NO. C05-1719 JW

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

NO. C05-5072 JW

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

NO. C06-183 JW

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

1 JEFFREY LAMONT TAYLOR,

NO. C06-485 JW

2 Plaintiff(s),

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

3 v.

4 REGISTERED NURSE FLYNN et al.,

5 Defendant(s).

6 JEFFREY LAMONT TAYLOR,

NO. C06-1600 JW

7 Plaintiff(s),

ORDER TO SHOW CAUSE RE 28 U.S.C.
§ 1915(g)

8 v.

9 CORRECTIONAL OFFICER WILSON et
al.,

10 Defendant(s).

11 Plaintiff, a prisoner at Salinas Valley State Prison and a frequent litigant in federal court, has
12 filed numerous pro se civil rights complaints under 42 U.S.C. § 1983 alleging, among other things,
13 that he has been deprived adequate dental care, threatened, harassed, and in some instances, beaten.
14 In each case, Plaintiff seeks to proceed in forma pauperis under 28 U.S.C. § 1915.15 The Prison Litigation Reform Act of 1995 ("PLRA") was enacted, and became effective, on
16 April 26, 1996. It provides that a prisoner may not bring a civil action or appeal a civil judgment
17 under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or
18 detained in any facility, brought an action or appeal in a court of the United States that was
19 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief
20 may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C.
21 § 1915(g). "Section 1915(g)'s cap on prior dismissed claims applies to claims dismissed both before
22 and after the [PLRA's] effective date." Tierney v. Kupers, 128 F.3d 1310, 1312 (9th Cir. 1997).23 The Court has reviewed the pertinent records and finds that Plaintiff has had the following
24 actions dismissed by a federal district court on the grounds that they are frivolous, malicious, or fail
25 to state a claim upon which relief may be granted:
26

27 Order to Show Cause

28 P:\PRO-SE\SJ.Jw\Cr.02\taylor5775osc1915g.wpd3

United States District Court

For the Northern District of California

1. Taylor v. Salinas Valley State Prison et al., C03-2626 JW
(failure to state a claim regarding, inter alia, access to prison library);
2. Taylor v. Wolff et al., C05-71 JW
(failure to state a claim regarding, inter alia, confiscated or stolen personal property);
3. Taylor v. Tower et al., C05-2247 JW
(duplicative lawsuit)
4. Taylor v. Wilson et al., C05-3495 JW
(failure to state a claim regarding, inter alia, confiscated or stolen personal property);
5. Taylor v. Salinas Valley State Prison, C05-4112 JW
(failure to state a claim regarding request for investigation into prison conditions);
6. Taylor v. Bryant et al., C06-2222 JW
(failure to state a claim regarding, inter alia, confiscated or stolen personal property).¹

Plaintiff therefore may proceed in forma pauperis only if he is seeking relief from a danger of serious physical injury which is “imminent” at the time of filing. See Abdul-Akbar v. McKelvie, 239 F.3d 307, 312 (3d Cir. 2001) (en banc); Medberry v. Butler, 185 F.3d 1189, 1192-93 (11th Cir. 1999); Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998); Banos v. O'Guin, 144 F.3d 883, 885 (5th Cir. 1998). He is not. Plaintiff’s lawsuits are actions for damages for past wrongdoing.

Accordingly, all outstanding requests to proceed in forma pauperis are DENIED. If the Court previously granted Plaintiff in forma pauperis status, such status is now REVOKED. Under the law of the circuit, however, Plaintiff must be afforded an opportunity to persuade the court that § 1915(g) does not bar pauper status for him. See Andrews v. King, 398 F.3d 1113, 1120 (9th Cir. 2005). Within 30 days of this order plaintiff may show cause why § 1915(g) does not bar pauper status for him. Failure to show cause, or pay the requisite \$ 250.00 filing fee (or \$350 for those cases filed after April 9, 2006), within the designated time will result in the dismissal of the actions without prejudice to bringing it in a new paid complaint.

Dated: May __, 2006

JAMES WARE
United States District Judge

¹ At least two other lawsuits were dismissed on procedural grounds. See Taylor v. Castillo et al., C02-5774 JW; and Taylor v. Woolf et al., C03-5108 JW.

Order to Show Cause

P:\PRO-SE\SJ.Jw\Cr.02\taylor5775osc1915g.wpd4

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN MAILED TO:**

2 Jeffrey Lamont Taylor
D41759
3 D-6-129 C-1-131
Salinas Valley State Prison
4 P. O. Box 1060
Soledad, Ca 93960-1060

5

6 **Dated: May __, 2006**

7 **Richard W. Wiking, Clerk**

8 **By:** _____

9 **Melissa Peralta
Courtroom Deputy**